

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN L. KITTO,

Defendant.

8:18CR16

**ORDER ON APPEARANCE FOR
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on September 2, 2021 regarding Petition for Offender Under Supervision [36]. Kelly Steenbock represented the defendant. Lecia Wright represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The defendant freely, knowingly, intelligently, and voluntarily waived the right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds probable cause as alleged in the petition to believe the defendant violated the terms of supervised release and the defendant should be held to answer for a final dispositional hearing. Fed. R. Crim. P. 32.1(b)(1)(C). The defendant shall appear personally for a final dispositional hearing before Chief U.S. District Judge Robert F. Rossiter, Jr. in Courtroom No. 4, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 2:00 p.m. on November 3, 2021.

The government moved for detention based upon danger. The defendant requested a detention hearing which was held. The defendant met his burden to establish by clear and convincing evidence that he will not pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6). The government's motion for detention is denied, and the defendant shall be released on the current terms and conditions of supervision to include that he must participate in the Heart program to include at least 2 sessions a week of intensive outpatient and reside with his mother. 18 U.S.C. § 3143(a)(1).

IT IS SO ORDERED.

Dated this 2nd day of September, 2021.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge